

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LAWRENCE D. KORN,

Plaintiff,

v.

Case No. 04-CV-70821-DT

PAUL REVERE LIFE INSURANCE COMPANY,

Defendant.

**ORDER GOVERNING CONCLUSION OF DISCOVERY
AND BRIEFING OF ERISA ISSUE**

On October 29, 2007, the court held a status conference with counsel in the above-captioned matter. During the conference, counsel for Plaintiff Lawrence Korn suggested that the parties limit Plaintiff's deposition to the issue of ERISA applicability and counsel for Defendant Paul Revere Life Insurance Company did not object to this proposal. The parties also agreed to amicably resolve issues regarding the scope of interrogatories and requests for production. Accordingly,

IT IS ORDERED that discovery is currently limited to the issue of ERISA applicability. Specifically, Plaintiff will be deposed on this issue only, per the parties' agreement, and the court expects counsel to similarly reach rapid resolution regarding the scope of interrogatories and requests for production.

IT IS FURTHER ORDERED that Defendant shall file a motion affirmatively arguing that this is an ERISA-governed contract by **November 26, 2007**. Plaintiff shall file a response by **December 10, 2007** and Defendant's reply is due on **December 21, 2007**. The court expects that counsel will address the quantum of proof necessary and

the method of determining this issue. The court will conduct a hearing on the Defendant's motion on **February 6, 2008 at 2:00 p.m.**

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 29, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 29, 2007, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522